

**REMARKS**

**Preliminary Remarks**

This Second Response Pursuant to 37 C.F.R. §1.116 is being filed in response to the September 6, 2005 Final Office Action. This response is also being filed concurrently with a Request for Continued Examination.

In a February 28, 2006 telephone conversation with the Examiner, the Examiner indicated that the amendments presented in applicants' December 6, 2005 Response to the Final Office Action have not been entered. The Examiner further indicated that an Advisory Action had been prepared and was to be mailed shortly.<sup>1</sup> Although applicants have not received the Advisory Action as of the mailing of this response, the Examiner discussed briefly the substance of the Advisory Action. Accordingly, the claim amendments made herein are based on the claims as pending and examined in the September 6, 2005 Final Office Action. The remarks made herein respond to the Final Office Action and are in consideration of the February 28, 2006 telephone conversation with the Examiner.

Applicants respectfully request that this Second Response be entered in place of the first response filed December 6, 2005.

Prior to the entry of this response, claims 1, 2, 5, 6-14, 17, 42, 45-47 and 51-65 are pending. Applicants have added claims 66-80, which are based on claims 6-14, 42, 45-47. Applicants submit that added claims 66-80 are fully supported by the application as filed and do not contain new matter. Claim 17 has been canceled so that it

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<sup>1</sup> A review of the United States Patent and Trademark Office PAIR web site indicates that an Advisory Action was prepared on March 1, 2006 but had not been mailed as of March 3, 2006.

is no longer redundant over claim 12. Upon entry of this response, claims 1, 2, 5, 6-14, 42, 45-47 and 51-80 will be pending.

**Amendments to the Claims**

Applicants have amended claim 1 to delete reference to SEQ ID NO:98 and to recite “a peptide, the sequence of which is ... (SEQ ID NO:99).”

Applicants have amended claim 6 and 42 so that the language recites “wherein the sequence of the peptide is selected ... (SEQ ID NO: 98) and ... (SEQ ID NO: 99).”

Applicants have canceled claim 17.

Applicants have amended claims 47 and 65 to recite “...Vpv and Rev.” This amendment corrects claim form and constitutes no new matter.

Applicants have added claims 66-80. Claim 66 is drawn to a purified peptide, the sequence of which is RRQRRQRR (SEQ ID NO:98). Added claims 67-80 are based on the claims as originally filed, specifically claims 6-14, 42 and 45-47. Added claims 67-80 are also based on pending claims 51-65, which are likewise based on claims 6-14, 42 and 45-47. Added claims 67-80 simply claim one peptide (*i.e.*, SEQ ID NO:98) of the group of peptides consisting of SEQ ID NO: 98 and SEQ ID NO: 99. Thus, applicants assert that the new claims are fully supported by the original specification and do not constitute new matter.

Applicants respectfully request entry of the above amendments and added claims 66-80.

### **The Objection to the Claims**

The Examiner has objected to claim 17 for allegedly failing to further limit claim 12. Applicants have deleted claim 17, rendering the objection thereto moot.

### **The Rejections under 35 U.S.C. §102**

The Examiner has rejected claims 1, 2 and 5 under 35 U.S.C. §§ 102(b) and 102(e) as allegedly anticipated by International Patent Publication No. WO98/44147 (published October 1998; the “‘147 publication”) and U.S. Patent No. 5,989,814 (filed April 1, 1997; the “‘814 patent”), respectively. The Examiner alleges that Figure 7 of both the ‘147 publication and the ‘814 patent teach a peptide, the sequence of which reads on the instant claimed peptide of SEQ ID NO: 98. Figure 7 teaches, *inter alia*, a peptide, the sequence of which is “AAAA GRQRQRQRQR AAAR.” The bold, underline indicates the claimed peptide sequence of SEQ ID NO:98.

The Examiner has further rejected claims 1, 2, and 5 under 35 U.S.C. § 102(b), allegedly as anticipated by International Patent Publication No. WO97/41252 (published November 1997; the “‘252 publication”) teaches a Mycobacterium tuberculosis protein comprising sequence of RRQRRQRR. The Examiner alleges that Figure 14, amino acids 391-398 of the ‘252 publication read on the instant claimed peptide of SEQ ID NO: 98. The Examiner has further rejected claims 1, 2, and 5 under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,680,170 (effective filing date April 14, 1998; the “‘170 patent”). The Examiner contends that the ‘170 patent teaches a novel protein kinase protein having sequence RRQRRQRR. Specifically, the

Examiner contends that amino acids 361-368 of SEQ ID NO: 105 read on the instant claimed sequence of RRQRRQRR.

Claim 1 has been amended so that RRQRRQRR (SEQ ID NO:98) is no longer recited. Applicants assert that neither the '147 publication, the '252 publication, the '814 patent nor the '170 patent anticipate amended claim 1.

A peptide of sequence RRQRRQRR (SEQ ID NO:98) is provided for in new claim 66 as a "purified peptide, the sequence of which is RRQRRQRR (SEQ ID NO:98). Applicants assert that neither the '147 publication, the '252 publication, the '814 patent nor the '170 patent teach a purified peptide of RRQRRQRR (SEQ ID NO: 98). Accordingly, applicants respectfully request that the rejections of claims 1, 2 and 5 under 35 U.S.C. §§ 102(b) and (e) as anticipated by the '147 publication and the '252 publication, and the 814 patent and the '170 patent, respectively, be withdrawn.

#### **The Nonstatutory Double Patenting Rejection**

The Examiner has provisionally rejected claims 1, 2, 5-14, 17, 42, 45-47 under a provisional, obviousness-type double patenting, as being unpatentable over claims 1-15 of copending application No. 10/366,493 (the "493 application"). The Examiner has also rejected claims 1, 2 and 5 under the under the same double patenting rejection, as being unpatentable over claim 22 of copending application No. 10/650,435 (the "435 application"). The Examiner states that a timely filed terminal disclaimer may overcome these rejections, provided the conflicting application or patent is shown to be commonly owned with this application.

As discussed above, applicants have canceled claim 17, rendering the rejection thereof moot. With respect to the remaining rejected claims, applicants submit herewith a Terminal Disclaimer signed by the undersigned.<sup>2</sup> An Assignment of the instant application was recorded at Reel 013265, Frame 0801 on September 9, 2005, assigning the invention to the University of Pittsburgh. A copy of the Assignment and Notice of Recordation of Assignment is attached herewith at Exhibit 1.

An assignment of the '435 application was recorded at Reel 014769, Frame 0359 on December 8, 2003. A copy of the Assignment and Notice of Recordation of Assignment is attached herewith at Exhibit 2.

An assignment of the '493 application was submitted for recordation in the United States Patent and Trademark Office on December 6, 2005. A copy of the Assignment and recordation form cover sheet is attached herewith at Exhibit 3.

By virtue of the above-identified assignments assigning the inventions to the University of Pittsburgh, Applicants have established common ownership of the conflicting patent applications and the instant application. As such, Applicants respectfully request entry of the Terminal Disclaimer and withdrawal of the provisional nonstatutory double patenting rejection of claims 1-2, 5-14, 42 and 45-47.

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<sup>2</sup> Applicants filed the instant Terminal Disclaimer and Exhibits 1-3 with the December 6, 2005 Response. A review of the United States Patent and Trademark Office PAIR web site indicates that the Terminal Disclaimer has been approved. However in the absence of an official communication that the Terminal Disclaimer has been entered and made of record, applicants resubmit the Terminal Disclaimer and accompanying Exhibits 1-3 herewith.

**Allowable Subject Matter**

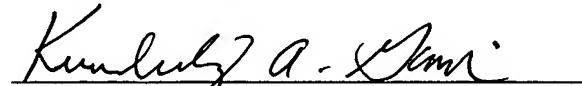
Applicants thank the Examiner for indicating that claims 51-65 are allowed.

**Conclusion**

Applicants earnestly request that the Examiner consider the above remarks, enter the amendments, and allow the claims to issue. Applicants respectfully invite the Examiner to telephone the undersigned if such an telephone conversation would be useful in advancing prosecution of the instant application.

Other than the fee for the three (3)-month extension of time to file this response, and the fee for the Request for Continued Examination, applicants believe that no additional fee is due. However, applicants authorize, in the Fee Transmittal Form (submitted herewith in duplicate) the Director to charge payment of any additional fees or credit any overpayment associated with this Response to Deposit Account No. 02-4377.

Respectfully submitted,



Kimberley A. Gavin  
Reg. No. 51,723  
Agent for Applicants

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Lisa B. Kole  
Reg. No. 35,225  
Attorney for Applicants

BAKER BOTTS L.L.P.  
Customer No. 21003  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2628



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

NOVEMBER 26, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

BAKER BOTTS, LLP  
ALICIA A. RUSSO  
30 ROCKEFELLER PLAZA, 44TH FL.  
NEW YORK, NY 10112



\*102217136A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/05/2002

REEL/FRAME: 013265/0801  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). BAKER BOTTS L.L.P.

ASSIGNOR:  
ROBBINS, PAUL D.

DOC DATE: 08/19/2002

02 DEC -5 AM 7:13

ASSIGNOR:  
MI, ZHIBAO

DOC DATE: 08/19/2002

TO		
DEK5		
DL		

ASSIGNOR:  
FRIZZELL, RAYMOND

DOC DATE: 08/19/2002

ASSIGNOR:  
GLORIOSO, JOSEPH

DOC DATE: 08/19/2002

ASSIGNOR:  
GAMBOTTO, ANDREA

DOC DATE: 08/19/2002

ASSIGNEE:  
UNIVERSITY OF PITTSBURGH OF THE  
COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION  
200 GARDNER STEEL CONFERENCE  
CENTER  
PITTSBURGH, PENNSYLVANIA 15260

013265/0801 PAGE 2

SERIAL NUMBER: 10075869  
PATENT NUMBER:

FILING DATE: 02/13/2002  
ISSUE DATE:

SAUNDRA BALLENGER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



09-11-2002



FILE NO. AP32573-AAA 072396.0237

RECORDATION  
DATE

102217136

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Paul D. Robbins, Zhibao Mi, Raymond Frizzell, Joseph Glorioso

Additional name(s) of conveying party(ies) attached?

☒ Yes☐ No

9-5-02

## 2. Name and address of receiving party(ies)

Name: UNIVERSITY OF PITTSBURGH of the  
COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION

Address: 200 Gardner Steel Conference Center

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other:

City: Pittsburgh

State: PA

Zip: 15260

Additional name(s) and address(es) attached? Country: US

☐ Yes ☒ No

Execution Date: 8/19/02, 8/19/02, 8/19/02, 8/19/02, 8/19/02

## 4. Application number(s) or patent number(s)

If this document is being filed together with a new application, the execution date of the application is

## A. Patent Application No.(s)

10/075,869, filed February 13, 2002

## B. Patent No.(s)

Additional numbers attached?

☐ Yes☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name:

BAKER BOTTS L.L.P.

30 Rockefeller Plaza - 44 Fl.

New York, NY 10112

## 6. Total number of applications and patents involved: 1

## 7. Total fee (37 CFR 3.41):

\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number :

02-4377 (Charge any additional fees to this account)

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature

*To the best of my knowledge and belief, the foregoing instrumentation is true and correct and any attached copy is a true copy of the original document.*

Alicia A. Russo

Name of Person Signing

Signature

August 28, 2002

Date

Page \_\_\_\_ of \_\_\_\_

Total number of pages including cover sheet, attachments and document:

09/10/2002 AAHME1 00000089 10075869

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10. Additional Names of assigning party(ies):

10a. Additional Names of receiving party(ies):

Andrea Gambotto

11. Application number(s) or registration number(s):

A. Patent Application No.(s)

B. Patent Registration No.(s)

Page \_\_\_\_ of \_\_\_\_

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Mail documents to be recorded with required cover sheet information to:

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Washington, DC 20231**

A S S I G N M E N T

WHEREAS, WE, PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; and ANDREA GAMBOTTO, citizens of the United States of America, China the United States of America, the United States of America, and Italy respectively, whose post office addresses are 191 Main Entrance Drive, Mt. Lebanon, Pennsylvania 15228; 221 Buchanan Place, Apt. C2, Pittsburgh, Pennsylvania 15228; 5304 Forbes Ave., Pittsburgh, Pennsylvania 15217; 202 Scarborough Dr. Cheswick, Pennsylvania 15024; 1250 South Negley Ave. Pittsburgh, Pennsylvania 15217, respectively, have made an invention entitled "IDENTIFICATION OF PEPTIDES THAT FACILITATE UPTAKE AND CYTOPLASMIC AND/OR NUCLEAR TRANSPORT OF PROTEINS, DNA AND VIRUSES" as set forth and described in application for Letters Patent of the United States, filed February 13, 2002, and assigned United States Patent Application Serial No. 10/075,869; and

WHEREAS, UNIVERSITY OF PITTSBURGH of the Commonwealth System of Higher Education, a corporation organized and existing under the laws of the State of Pennsylvania, and having an office for the transaction of business at 200 Gardner Steel Conference Center, Pittsburgh, Pennsylvania 15260, is desirous of acquiring the entire right, title and interest in and to said invention and any improvements thereon, and in and to the said application for Letters Patent therefor, and any Letters Patent which may be obtained therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; and ANDREA GAMBOTTO, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, to us in hand paid by said UNIVERSITY OF PITTSBURGH, and other valuable considerations unto us moving from said UNIVERSITY OF PITTSBURGH, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, have sold, assigned, transferred and conveyed and by these presents do sell, assign, transfer and convey, unto said UNIVERSITY OF PITTSBURGH, its successors and assigns, the entire right, title and interest in and to the said invention entitled "IDENTIFICATION OF PEPTIDES THAT FACILITATE UPTAKE AND CYTOPLASMIC AND/OR NUCLEAR TRANSPORT OF PROTEINS, DNA AND VIRUSES" as set forth and described in application for Letters Patent of the United States, filed herewith, and any and all improvements thereon, and in and to said application and any division, continuation or continuation-in-part thereof, and in and to any Letters Patent of the United States which may be issued on any of said applications, and any reissues thereof, and in and to any and all applications for Letters Patent filed in foreign countries for said invention or improvements including all priority rights, and any and all Letters Patent which may be granted in foreign countries therefor, TO HAVE AND TO HOLD THE SAME to the full end of the term or terms for which any and all said Letters Patent may be granted;

AND WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; and ANDREA GAMBOTTO, do hereby authorize and request the


NY02:368352.1

*See below*  
*Serial 5,7002*  
*1365 0801*

Commissioner of Patents and Trademarks to issue the said Letters Patent of the United States to said UNIVERSITY OF PITTSBURGH, as the assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said UNIVERSITY OF PITTSBURGH, its successors and assigns;

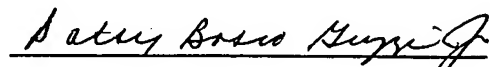
AND WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; and ANDREA GAMBOTTO, for the considerations aforesaid, do hereby covenant and agree to and with said UNIVERSITY OF PITTSBURGH, its successors and assigns, that we have the full power to make this assignment, and that the rights assigned are not encumbered by any grant, license or right heretofore given, and that we, our executors or administrators, shall and will do all lawful acts and things and make, execute and deliver without further compensation, any and all other instruments in writing, further applications, papers, affidavits, powers of attorney, assignments, and other documents which, in the opinion of counsel for said UNIVERSITY OF PITTSBURGH, its successors and assigns, may be required or necessary more effectively to secure to and vest in said UNIVERSITY OF PITTSBURGH, its successors and assigns, the entire right, title and interest in and to said invention and improvements, applications, Letters Patent, rights, titles, benefits, privileges, and advantages hereby sold, assigned, transferred and conveyed, and that we will sign any applications for reissue which may be desired by the owner of the patent or patents which may be issued for the said invention or improvements.

IN WITNESS WHEREOF, WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; and ANDREA GAMBOTTO, have hereunto set our hands and seals on the date below written.

  
PAUL D. ROBBINS

STATE OF *PENNSYLVANIA*  
: ss.:  
COUNTY OF *ALLEGHENY*)

BE IT KNOWN, that on this 19 day of AUGUST, 2002, before me personally came PAUL D. ROBBINS, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

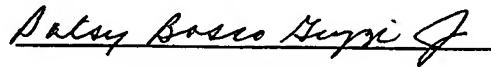
  
Notary Public



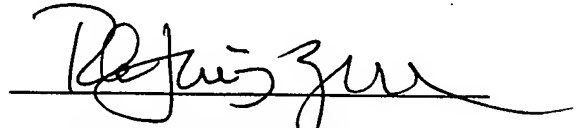
ZHIBAO MI

STATE OF *PENNSYLVANIA*  
: SS.:  
COUNTY OF *ALLEGHENY*)

BE IT KNOWN, that on this 19 day of AUGUST, 2002, before me personally came ZHIBAO MI, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



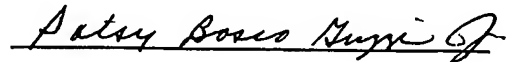
Notary Public



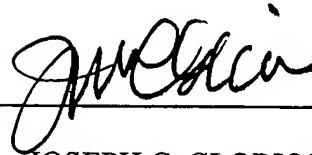
RAYMOND FRIZZELL

STATE OF *PENNSYLVANIA*  
: SS.:  
COUNTY OF *ALLEGHENY*)

BE IT KNOWN, that on this 19 day of AUGUST, 2002, before me personally came RAYMOND FRIZZELL, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



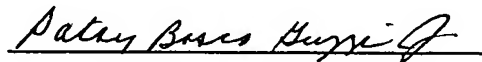
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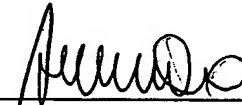
JOSEPH C. GLORIOSO

STATE OF *PENNSYLVANIA*  
: ss.:  
COUNTY OF *ALLEGHENY*

BE IT KNOWN, that on this 19 day of AUGUST, 2002, before me personally came JOSEPH C. GLORIOSO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



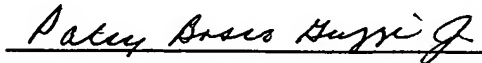
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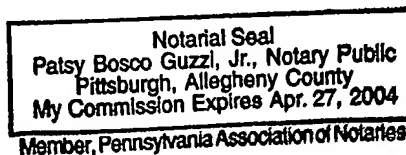
ANDREA GAMBOTTO

STATE OF *PENNSYLVANIA*  
: ss.:  
COUNTY OF *ALLEGHENY*

BE IT KNOWN, that on this 19 day of AUGUST, 2002, before me personally came ANDREA GAMBOTTO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



Notary Public





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUNE 24, 2004

PTAS



\*102620760A\*

BAKER BOTTS L.L.P.  
CARMELLA L. STEPHENS  
30 ROCKEFELLER PLAZA - 44 FL.  
NEW YORK, NY 10112

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RECORDATION DATE: 12/08/2003

REEL/FRAME: 014769/0359  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
ROBBINS, PAUL

DOC DATE: 11/06/2003

ASSIGNOR:  
FRIZZELL, RAYMOND

DOC DATE: 11/06/2003

ASSIGNOR:  
SUN, FEI

DOC DATE: 11/06/2003

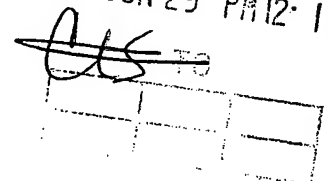
ASSIGNOR:  
MI, ZHIBAO

DOC DATE: 11/06/2003

ASSIGNEE:  
PITTSBURGH, UNIVERSITY OF  
W1148 BIOMEDICAL SCIENCE TOWER  
PITTSBURGH, PENNSYLVANIA 15261

BAKER BOTTS L.L.P.

04 JUN 29 PM 12:10



014769/0359 PAGE 2

SERIAL NUMBER: 10650435

FILING DATE: 08/28/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: POLYPEPTIDES FOR INCREASING MUTANT CFTR CHANNEL ACTIVITY

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



12-12-2003



FILE NO. AP35301 072396.0261

RECORDED

PATENT 102620760

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Paul Robbins, Raymond Frizzell, Fei Sun and Zhibao Mi

Additional name(s) of conveying party(ies) attached?

☐ Yes☒ No

12-8-03

2. Name and address of receiving party(ies)

Name: UNIVERSITY OF PITTSBURGH

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other:

Address: W1148 Biomedical Science Tower

City: Pittsburgh

State: PA

Zip: 15261

Additional name(s) and address(es) attached? Country: USA

☐ Yes ☒ No

Execution Date: November 6, 2003

4. Application number(s) or patent number(s)

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

10/650,435

B. Patent No.(s)

Additional numbers attached?

☐ Yes☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name:

BAKER BOTTS L.L.P.

30 Rockefeller Plaza - 44 Fl.

New York, NY 10112

6. Total number of applications and patents involved: One

7. Total fee (37 CFR 3.41):

\$ 40

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number :

02-4377 (Charge any additional fees to this account)

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature

To the best of my knowledge and belief, the foregoing instrumentation is true and correct and any attached copy is a true copy of the original document.

Carmella L. Stephens, PTO Reg. No. 41,328

Name of Person Signing

Signature

12/04/2003

Date

Page 1 of 3

Total number of pages including cover sheet, attachments and document: 7

12/11/2003 LNUELLER 00000161 10650435

01 FC:8021

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Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

10. Additional Names of assigning party(ies):

10a. Additional Names of receiving party(ies):

11. Application number(s) or registration number(s):

A. Patent Application No.(s)

B. Patent Registration No.(s)

Page 1 of 3

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

MS Assignments

A S S I G N M E N T

WHEREAS, WE, PAUL ROBBINS, RAYMOND FRIZZELL and FEI SUN, citizens of the United States of America, and ZHIBAO MI, a citizen of China (hereinafter the "INVENTORS"), whose post office addresses are 191 Main Entrance Drive, Mt. Lebanon, Pennsylvania 15228, 1205 Heberston Street, Pittsburgh, Pennsylvania 15206, 186 Warren Road, Warrendale, Pennsylvania 15086 and 221 Buchanan Place, Pittsburgh, Pennsylvania 15228, respectively, have made an invention entitled "POLYPEPTIDES FOR INCREASING MUTANT CFTR CHANNEL ACTIVITY", as set forth and described in U.S. Patent Application No. 10/650,435 filed August 28, 2003; and

WHEREAS, UNIVERSITY OF PITTSBURGH, a corporation organized and existing under the laws of The United States of America, and having an office for the transaction of business at W1148 Biomedical Science Tower, Pittsburgh, PA 15261, is desirous of acquiring the entire right, title and interest in and to said invention and any improvements thereon, and in and to the said U.S. application for Letters Patent therefor, and any Letters Patent which may be obtained therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that WE, the said INVENTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, to us in hand paid by said UNIVERSITY OF PITTSBURGH, and other valuable considerations unto us moving from said UNIVERSITY OF PITTSBURGH, at or before the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, have sold, assigned, transferred and conveyed and by these presents do sell, assign, transfer and convey, unto said UNIVERSITY OF PITTSBURGH, its successors and assigns, the entire right, title and interest in and to the said invention entitled "POLYPEPTIDES FOR INCREASING MUTANT CFTR CHANNEL ACTIVITY", as set forth and described in application for Letters Patent, Serial No. 10/560,435, filed August 28, 2003, and any and all improvements thereon, and in and to said application for Letters Patent therefor, and any division, continuation or continuation-in-part thereof, and in and to any Letters Patent of the United States which may be issued on any of said applications, and any reissues thereof, and in and to any and all applications for Letters Patent filed in foreign countries for said invention or improvements including all priority rights, and any and all Letters Patent which may be granted in foreign countries therefor, TO HAVE AND TO HOLD THE SAME to the full end of the term or terms for which any and all said Letters Patent may be granted;

AND WE, the said INVENTORS, do hereby authorize and request the Commissioner of Patents and Trademarks to issue the said Letters Patent of the United States to said UNIVERSITY OF PITTSBURGH, as the Assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said UNIVERSITY OF PITTSBURGH, its successors and assigns;

*University of Pittsburgh*  
*filed*  
*8.2003*  
*014769* *0359*

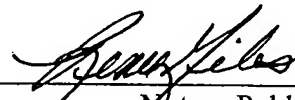
AND WE, the said INVENTORS, for the considerations aforesaid, do hereby covenant and agree to and with said UNIVERSITY OF PITTSBURGH, its successors and assigns, that we have the full power to make this assignment, and that the rights assigned are not encumbered by any grant, license or right heretofore given, and that we, our executors or administrators, shall and will do all lawful acts and things and make, execute and deliver without further compensation, any and all other instruments in writing, further applications, papers, affidavits, powers of attorney, assignments, and other documents which, in the opinion of counsel for said UNIVERSITY OF PITTSBURGH, its successors and assigns, may be required or necessary more effectively to secure to and vest in said UNIVERSITY OF PITTSBURGH, its successors and assigns, the entire right, title and interest in and to said invention and improvements, applications, Letters Patent, rights, titles, benefits, privileges, and advantages hereby sold, assigned, transferred and conveyed, and that we will sign any applications for reissue which may be desired by the owner of the patent or patents which may be issued for the said invention or improvements.

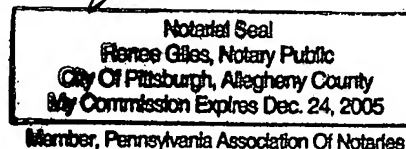
IN WITNESS WHEREOF, WE, the said INVENTORS, have hereunto set our hands and seals on the date below written.

  
PAUL ROBBINS

STATE OF )  
: ss.:  
COUNTY OF )

BE IT KNOWN, that on this 6<sup>th</sup> day of November, 2003, before me personally came PAUL ROBBINS, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

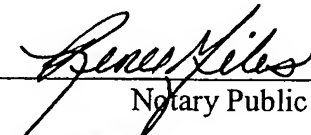
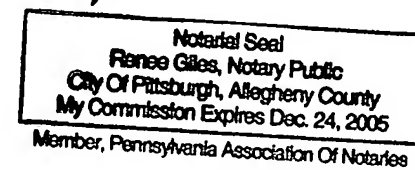
  
Notary Public




  
RAYMOND FRIZZELL

STATE OF )  
: ss.:  
COUNTY OF )

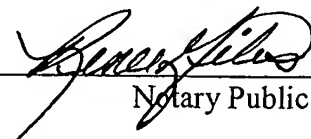
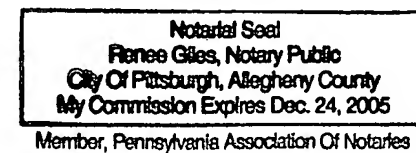
BE IT KNOWN, that on this 6 day of November, 2003, before me personally came RAYMOND FRIZZELL, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as her free act and deed for the use and purposes therein mentioned.

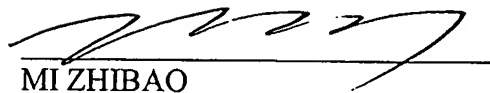
  
Notary Public  
  
Notarial Seal  
Renee Giles, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Dec. 24, 2005  
Member, Pennsylvania Association Of Notaries

  
SUN FEI

STATE OF )  
: ss.:  
COUNTY OF )

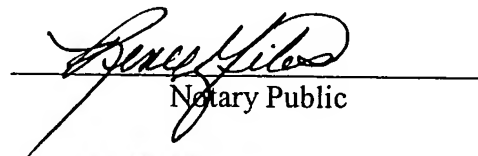
BE IT KNOWN, that on this 6<sup>th</sup> day of November, 2003, before me personally came SUN FEI, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

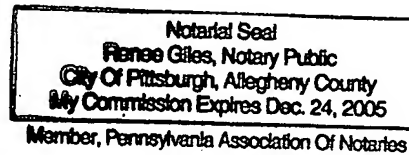
  
Notary Public  
  
Notarial Seal  
Renee Giles, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Dec. 24, 2005  
Member, Pennsylvania Association Of Notaries

  
MI ZHIBAO

STATE OF )  
: ss.:  
COUNTY OF )

BE IT KNOWN, that on this 6<sup>th</sup> day of November, 2003, before me personally came MI ZHIBAO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

  
Notary Public



RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

Docket No.: AP32573-A-A-A-A (072396)

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)**

Paul D. Robbins - 11/30/05  
Zhibao Mi - 11/30/05  
Raymond Frizzell - 11/30/05  
Joseph C. Glorioso - 11/18/05  
Andrea Gambotto - 12/05/05  
Jeffrey C. Mai - 11/07/05

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

**2. Name and address of receiving party(ies)**

Name: University of Pittsburgh

Internal Address: \_\_\_\_\_

Street Address: 200 Gardner Steel Conference Center

City: Pittsburgh

State: Pennsylvania

Country: United States Zip: 15260

Additional name(s) & address(es) attached? ☐ Yes ☒ No

**3. Nature of conveyance/Execution Date(s):**

Execution Date(s) 11/30/05 - 11/30/05 - 11/30/05 - 11/18/05 - 12/05/05 - 11/07/05

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Joint Research Agreement

☐ Government Interest Assignment

☐ Executive Order 9424, Confirmatory License

☐ Other \_\_\_\_\_

**4. Application or patent number(s):**

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/366,493

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

**5. Name and address to whom correspondence concerning document should be mailed:**

Name: Baker Botts L.L.P.

Internal Address: \_\_\_\_\_

Street Address: 30 Rockefeller Plaza, 44th Floor

City: New York

State: New York Zip: 10112

Phone Number: \_\_\_\_\_

Fax Number: 212-408-2501

Email Address: \_\_\_\_\_

**6. Total number of applications and patents involved:** 1

**7. Total fee (37 CFR 1.21(h) & 3.41) \$** 40.00

☐ Authorized to be charged by credit card

☒ Authorized to be charged to deposit account

☒ Enclosed

☐ None required (government interest not affecting title)

**8. Payment Information**

a. Credit Card Last 4 Numbers \_\_\_\_\_

Expiration Date \_\_\_\_\_

b. Deposit Account Number 02-4377

Authorized User Name Baker Botts L.L.P.

**9. Signature:**

Kimberley A. Gavin  
Signature

12/06/2005

Date

Kimberley A. Gavin

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 40.00

## Complete if Known

Application Number	10/366,493
Filing Date	February 12, 2003
First Named Inventor	Paul D. Robbins
Examiner Name	(Not Yet Assigned)
Art Unit	(Not Yet Assigned)
Attorney Docket No.	AP32573-A-A-A-A (072396.0246)

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001	2001	Utility filing fee	
1002	2002	Design filing fee	
1003	2003	Plant filing fee	
1004	2004	Reissue filing fee	
1005	2005	Provisional filing fee	
SUBTOTAL (1)			(\$ 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20 =	X	=0
Multiple Dependent	-3 =	X	=0

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1202	2202	Claims in excess of 20	
1201	2201	Independent claims in excess of 3	
1203	2203	Multiple dependent claim, if not paid	
1204	2204	** Reissue independent claims over original patent	
1205	2205	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee Code	Fee Description	Fee Paid
1051	2051	Surcharge - late filing fee or oath	
1052	2052	Surcharge - late provisional filing fee or cover sheet	
1053	1053	Non-English specification	
1812	1812	For filing a request for ex parte reexamination	
1804	1804	Requesting publication of SIR prior to Examiner action	
1805	1805	Requesting publication of SIR after Examiner action	
1251	2251	Extension for reply within first month	
1252	2252	Extension for reply within second month	
1253	2253	Extension for reply within third month	
1254	2254	Extension for reply within fourth month	
1255	2255	Extension for reply within fifth month	
1401	2401	Notice of Appeal	
1402	2402	Filing a brief in support of an appeal	
1403	2403	Request for oral hearing	
1451	1451	Petition to institute a public use proceeding	
1452	2452	Petition to revive - unavoidable	
1453	2453	Petition to revive - unintentional	
1501	2501	Utility issue fee (or reissue)	
1502	2502	Design issue fee	
1503	2503	Plant issue fee	
1460	1460	Petitions to the Commissioner	
1807	1807	Processing fee under 37 CFR 1.17(q)	
1806	1806	Submission of Information Disclosure Stmt	
8021	8021	Recording each patent assignment per property (times number of properties)	40
1809	2809	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	Request for Continued Examination (RCE)	
1802	1802	Request for expedited examination of a design application	

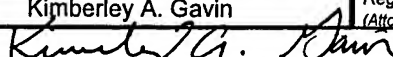
Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Kimberley A. Gavin	Registration No. (Attorney/Agent)	51,723	Telephone	212 408-2529
Signature		Date	12/06/2005		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



AP32573-A-A-A-A (072396.0246)

ASSIGNMENT

WHEREAS, WE, PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; ANDREA GAMBOTTO and JEFFREY C. MAI, citizens of the United States of America, China the United States of America, the United States of America, Italy and the United States of America, respectively, whose post office addresses are 191 Main Entrance Drive, Mt. Lebanon, Pennsylvania 15228; 221 Buchanan Place, Apt. C2, Pittsburgh, Pennsylvania 15228; 5304 Forbes Ave., Pittsburgh, Pennsylvania 15217; 202 Scarborough Dr., Cheswick, Pennsylvania 15024; 1250 South Negley Ave., Pittsburgh, Pennsylvania 15217; and 6112 Alder Street, Apt. E3, Pittsburgh, Pennsylvania 15206, respectively, have made an invention entitled "IDENTIFICATION OF PEPTIDES THAT FACILITATE UPTAKE AND CYTOPLASMIC AND/OR NUCLEAR TRANSPORT OF PROTEINS, DNA AND VIRUSES" as set forth and described in application for Letters Patent of the United States, filed February 12, 2003, and assigned United States Patent Application Serial No. 10/366,493; and

WHEREAS, UNIVERSITY OF PITTSBURGH of the COMMONWEALTH SYSTEM OF HIGHER EDUCATION, a corporation organized and existing under the laws of the State of Pennsylvania, and having an office for the transaction of business at 200 Gardner Steel Conference Center, Pittsburgh, Pennsylvania 15260, is desirous of acquiring the entire right, title and interest in and to said invention and any improvements thereon, and in and to the said application for Letters Patent therefor, and any Letters Patent which may be obtained therefor;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; ANDREA GAMBOTTO and JEFFREY C. MAI, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, to us in hand paid by said UNIVERSITY OF PITTSBURGH, and other valuable considerations unto us moving from said UNIVERSITY OF PITTSBURGH, at or before the encasing and delivery of these presents, the receipt of which is hereby acknowledged, have sold, assigned, transferred and conveyed and by these presents do sell, assign, transfer and convey, unto said UNIVERSITY OF PITTSBURGH, its successors and assigns, the entire right, title and interest in and to the said invention entitled "IDENTIFICATION OF PEPTIDES THAT FACILITATE UPTAKE AND CYTOPLASMIC AND/OR NUCLEAR TRANSPORT OF PROTEINS, DNA AND VIRUSES" as set forth and described in application for Letters Patent of the United States, filed herewith, and any and all improvements thereon, and in and to said application and any division, continuation or continuation-in-part thereof, and in and to any Letters Patent of the United States which may be issued on any of said applications, and any reissues thereof, and in and to any and all applications for Letters Patent filed in foreign countries for said invention or improvements including all priority rights, and any and all Letters Patent which may be granted in foreign countries therefor, TO HAVE AND TO HOLD THE SAME to the full end of the term or terms for which any and all said Letters Patent may be granted;

AND WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; ANDREA GAMBOTTO and JEFFREY C. MAI, do hereby authorize and request the Commissioner of Patents and Trademarks to issue the said Letters Patent of the

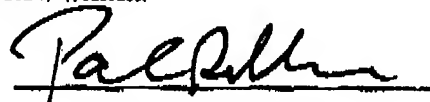
NY02:530633.1

AP32573-A-A-A-A (072396.0246)

United States to said UNIVERSITY OF PITTSBURGH, as the assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said UNIVERSITY OF PITTSBURGH, its successors and assigns;

AND WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; ANDREA GAMBOTTO and JEFFREY C. MAI, for the considerations aforesaid, do hereby covenant and agree to and with said UNIVERSITY OF PITTSBURGH, its successors and assigns, that we have the full power to make this assignment, and that the rights assigned are not encumbered by any grant, license or right heretofore given, and that we, our executors or administrators, shall and will do all lawful acts and things and make, execute and deliver without further compensation, any and all other instruments in writing, further applications, papers, affidavits, powers of attorney, assignments, and other documents which, in the opinion of counsel for said UNIVERSITY OF PITTSBURGH, its successors and assigns, may be required or necessary more effectively to secure to and vest in said UNIVERSITY OF PITTSBURGH, its successors and assigns, the entire right, title and interest in and to said invention and improvements, applications, Letters Patent, rights, titles, benefits, privileges, and advantages hereby sold, assigned, transferred and conveyed, and that we will sign any applications for reissue which may be desired by the owner of the patent or patents which may be issued for the said invention or improvements.

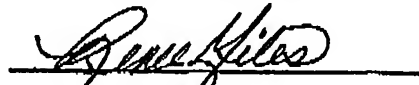
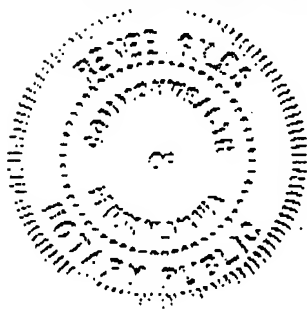
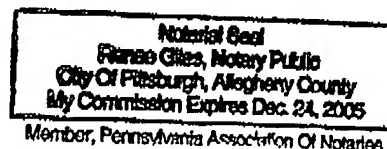
IN WITNESS WHEREOF, WE, the said PAUL D. ROBBINS; ZHIBAO MI; RAYMOND FRIZZELL; JOSEPH C. GLORIOSO; ANDREA GAMBOTTO and JEFFREY C. MAI, have hereunto set our hands and seals on the date below written.




PAUL D. ROBBINS

STATE OF Pennsylvania  
; ss.:  
COUNTY OF Allegheny )

BE IT KNOWN, that on this 30<sup>th</sup> day of November, 2005, before me personally came PAUL D. ROBBINS, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

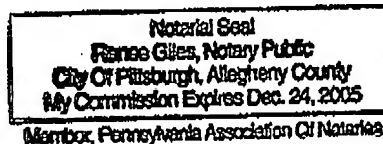
  
Notary Public

AP32573-A-A-A-A (072396.0246)

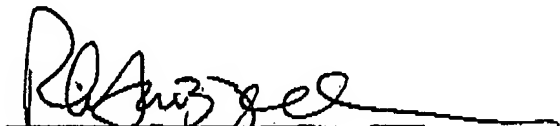
  
ZHIBAO MI

STATE OF Pennsylvania  
: ss.:  
COUNTY OF Allegheny

BE IT KNOWN, that on this 30<sup>th</sup> day of November, 2005, before me personally came ZHIBAO MI, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

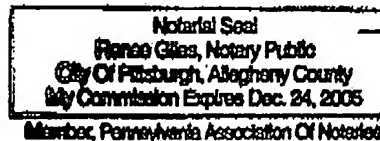


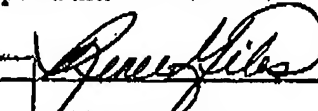
  
Notary Public

  
RAYMOND FRIZZELL

STATE OF Pennsylvania  
: ss.:  
COUNTY OF Allegheny

BE IT KNOWN, that on this 30<sup>th</sup> day of November, 2005, before me personally came RAYMOND FRIZZELL, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



  
Notary Public

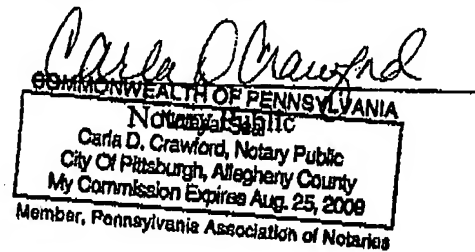
AP32573-A-A-A-A (072396.0246)



JOSEPH C. GLORIOSO

STATE OF PennsylvaniaCOUNTY OF Allegheny )  
: ss.:

BE IT KNOWN, that on this 18<sup>th</sup> day of November, 2005, before me personally came JOSEPH C. GLORIOSO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



ANDREA GAMBOTTO

STATE OF )  
COUNTY OF )  
: ss.:

BE IT KNOWN, that on this \_\_\_\_ day of \_\_\_\_\_, 2005, before me personally came ANDREA GAMBOTTO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

Notary Public

NOV-04-2005 FRI 01:16 PM TECHNOLOGY MANAGEMENT

FAX NO. 412 648 8525

P. 05

AP32573-A-A-A-A (072396.0246)

---

JOSEPH C. GLORIOSO

STATE OF )

: ss.:

COUNTY OF )

BE IT KNOWN, that on this \_\_\_\_ day of \_\_\_\_\_, 2005, before me personally came JOSEPH C. GLORIOSO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

---

Notary Public  
ANDREA GAMBOTTOSTATE OF *Pennsylvania* )

: ss.:

COUNTY OF *Allegheny* )

BE IT KNOWN, that on this 5<sup>th</sup> day of December, 2005, before me personally came ANDREA GAMBOTTO, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Carla D. Crawford, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Aug. 25, 2009

Member, Pennsylvania Association of Notaries



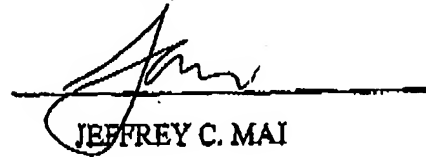
NY02:530633.1

DEC-06-2005 TUE 11:02 AM TECHNOLOGY MANAGEMENT  
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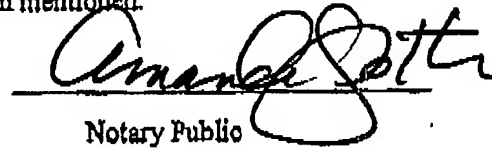
AP32573-A-A-A-A (072396.0246)

  
JEFFREY C. MAI

STATE OF WA )  
COUNTY OF King ) ss.:

BE IT KNOWN, that on this 7th day of November, 2005, before me personally came JEFFREY C. MAI, to me known and known to me to be the person mentioned in and who executed the foregoing assignment, and he acknowledged to me that he executed the same as his free act and deed for the use and purposes therein mentioned.



  
Notary Public